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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/551,494	04/18/2000	Frank Meulewaeter	021565-075	2755
21839 75	590 01/13/2004		EXAM	INER
	NE SWECKER & MA	EPPS FORD, JANET L		
POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
•	- <b>,</b>		1635	
			DATE MAIL ED: 01/12/2007	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/551,494	MEULEWAETER ET AL.	
Offic Action Summary	Examiner	Art Unit	
·	Janet L. Epps-Ford, Ph.D.	1635	
The MAILING DATE of this commun	ication appears on the cover sheet wi	th the correspondence address	
A SHORTENED STATUTORY PERIOD F THE MAILING DATE OF THIS COMMUNI  - Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this community of the period for reply specified above is less than thirty (3)  - If NO period for reply is specified above, the maximum standard to reply within the set or extended period for reply Any reply received by the Office later than three months a earned patent term adjustment. See 37 CFR 1.704(b).	ICATION.  s of 37 CFR 1.136(a). In no event, however, may a munication.  BO) days, a reply within the statutory minimum of thirt atutory penod will apply and will expire SIX (6) MON will, by statute, cause the application to become AB	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).	
1) Responsive to communication(s) file	ed on 10-24-03.		
· <u> </u>	 2b)⊠ This action is non-final.		
3) Since this application is in condition closed in accordance with the practi	for allowance except for formal mattice under <i>Ex parte Quayle</i> , 1935 C.D		
Disposition of Claims			
4a) Of the above claim(s) is/a  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) 32,38-43 and 49-60 are su		quirement.	
Application Papers			
9) The specification is objected to by th	e Examiner.		
10) The drawing(s) filed on is/are	: a) ☐ accepted or b) ☐ objected to	by the Examiner.	
	ction to the drawing(s) be held in abeyan		
	g the correction is required if the drawing	• • •	
11) The oath or declaration is objected to	o by the Examiner. Note the attached	Office Action or form P10-152.	
3. Copies of the certified copies	documents have been received. documents have been received in A of the priority documents have been onal Bureau (PCT Rule 17.2(a)). on for a list of the certified copies not for domestic priority under 35 U.S.C. and in the first sentence of the specifical application has been domestic priority under 35 U.S.C.	pplication No received in this National Stage received. § 119(e) (to a provisional application ation or in an Application Data Shee een received. §§ 120 and/or 121 since a specific	
ttachment(s)			
) Notice of References Cited (PTO-892) ) Notice of Draftsperson's Patent Drawing Review (F		Summary (PTO-413) Paper No(s)  nformal Patent Application (PTO-152)	

U.S. Patent and Trademark Office PTOL-326 (Rev. 11-03)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

6) Other:

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## DETAILED ACTION

## Election/Restrictions

- 1. In the response filed 10-24-03 Applicants added new claims 53-60. The newly added claims recite sequence disclosures that were not previously searched with the claimed invention. Pursuant to 35 U.S.C. 121 and 37 C.F.R. 1.141, the RNA vector sequences listed in claims 53-60 are subject to restriction.
- 2. Claims 53 and 57 recite a viral RNA vector comprising the nucleotides sequence of SEQ ID NO: 2 from nucleotide 5443 to 5518, Claims 54 and 58 recite a viral RNA vector comprising the nucleotide sequence of SEQ ID NO: 5 from nucleotide 5430 to position 5505, claims 55 and 59 recite a viral RNA vector comprising the nucleotide sequence of SEQ ID NO: 12, and claims 56 and 60 recite a viral RNA vector comprising the nucleotide sequence of SEQ ID NO: 4 from nucleotide position 1 to position 197. Although the nucleotide sequences recited in each claim correspond to the composition of a viral RNA vector, each sequence is considered to be unrelated, because each sequence as claimed is structurally and functionally independent and distinct since each sequence has a unique nucleotide sequence and each sequence requires a separate search and consideration of the prior art.
- 3. Furthermore, a search of more than one (1) of the viral RNA vector sequences recited in claims 53-60 would present an undue burden on the Patent and Trademark Office due to the complex nature of the search and corresponding examination of more than one (1) of the claimed nucleotides sequences. In view of the foregoing, one (1) viral RNA vector sequence is considered to be a reasonable number of sequences for examination. Accordingly, applicants are

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required to elect one (1) viral RNA vector sequence from claims 53-60, and indicate which of the

pending claims are considered to read on the elected invention.

4. Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Janet L. Epps-Ford, Ph.D. whose telephone number is 703-308-

8883. The examiner can normally be reached on Monday-Thursday, 8:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John L. LeGuyader can be reached on 703-308-0447. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0196.

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